



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/784,298

02/24/2004

Hisao Nishioka

245758US-6541-6541-6-DIV

5085

22850

7590

11/20/2006

C. IRVIN MCCLELLAND  
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER

BUI, KIEU OANH T

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 11/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/784,298	<b>Applicant(s)</b> NISHIOKA ET AL.	
	<b>Examiner</b> KIEU-OANH BUI	<b>Art Unit</b> 2623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

3. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farris et al. (U.S. Patent No. 6,154,207) in view of Eyer et al. (U.S. Patent 5,982,445).

Regarding claim 1, Farris discloses a broadcast signal transmitting apparatus comprising a multiplexer configured to multiplex a broadcast signal and multimedia data, and the multimedia data described by a markup language or hypertext and including broadcast program information, link location information, control signals providing display control to a receiver and control signals providing recording control to a recording medium; and a transmitter configured to transmit said broadcast signal and said multimedia data multiplexed in said multiplexer to said receiver (refer to Fig. 9 for an overview of the multimedia broadcast and delivery system, with ADSL multiplexer/demultiplexer for multiplexing/demultiplexing broadcast and control signals including multimedia data from network server to subscriber via ANSL 901 and then to DET or

Art Unit: 2623

set top box 900, in a closer view as illustrated in Fig. 8, to the subscriber or user at TV set 900; and ADSL 905 transmits all signals including broadcast, multimedia data and control including link information or hypertext information to a receiver or DET 800 for recording and/or downloading programs based on requests from the user, see col. 14/lines 37-67 (the storage can be associated with a computer connected to the set top box as described below in claim 3), under the control of network controller, see further on col. 15/line 65 to col. 16/line 43; and col. 7/line 65 to col. 8/line 27 for multimedia application including hypertext or markup language addressed.

Applicants argue that Farris does not show the multiplexer which is configured to multiplex a broadcast signal and multimedia signal, and the multimedia is described by a mark-up language and includes broadcast program information, link location information and so on; however, this technique is clearly taught by Eyer as Eyer discloses a multimedia delivery system (as shown in Fig. 1 and col. 7/line 59 to col. 8/line 38 including a multiplexer 115 for multiplexing and outputting a corresponding combined signal) and the HTML is used for broadcast transmission information and reception (refer to col. 4/line 20 to col. 5/line 26) as well as the user can control and display the multimedia data on the display at the receiver with the user of a HTML/HTVP processor for processing the control, display, graphics data (as shown in Fig. 2 and col. 8/line 39 to col. 9/line 30). Therefore, it would have been obvious to one of ordinary skill in the art to modify Farris' system with a known technique as taught by Eyer in order to provide an enhanced system that adapts to include a multiplexer for multiplexing different input signals and outputting a combined signal, and the combined signal is described by a HTML language including other control and data information.

As for claim 2, Eyer further teaches wherein the multimedia data may be delayed from transmission until a time different from that of a corresponding broadcast program signal (refer to col. 13/lines 32-61 as the decoder has timing means for timing provided or delay in transmission to the user depending on the user commands and/or requests for the program).

As for claim 3, Farris teaches wherein the recording medium is a recording apparatus operably linked to the receiver (col. 3/lines 43-58, as storage is associated with the computer, and the computer is linked to the set top box or the receiver, refer also to Fig. 12).

As for claim 4, Farris teaches this feature as the system can schedule the transmission process for the end user to download or store multimedia data and/or interactive services (col. 17/lines 34-51).

As for claims 5-7, and 8-10, these claims for corresponding method and similar features of the transmitting apparatus as discussed earlier are rejected for the reason given in the scope of claims 1-14 above. Farris does not clearly show the multiplexer which is configured to multiplex a broadcast signal and multimedia signal, and the multimedia is described by a mark-up language and includes broadcast program information, link location information and so on; however, this technique is clearly taught by Eyer as Eyer discloses a multimedia delivery system (as shown in Fig. 1 and col. 7/line 59 to col. 8/line 38 including a multiplexer 115 for multiplexing and outputting a corresponding combined signal) and the HTML is used for broadcast transmission information and reception (refer to col. 4/line 20 to col. 5/line 26) as well as the user can control and display the multimedia data on the display at the receiver with the user of a HTML/HTVP processor for processing the control, display, graphics data (as shown in Fig. 2 and col. 8/line 39 to col. 9/line 30). Therefore, it would have been obvious to one of

Art Unit: 2623

ordinary skill in the art to modify Farris' system with a known technique as taught by Eyer in order to provide an enhanced system that adapts to include a multiplexer for multiplexing different input signals and outputting a combined signal, and the combined signal is described by a HTML language including other control and data information.

As for claims 11-19, these claims for a receiving apparatus are rejected for the similar reasons above in view of Farris and Eyer with the receiver or set top box 800 comprising all of the features, see further on col. 12/line 37 to col. 14/line 47 of Farris for MPEG demultiplexer for demultiplexing signals received from the network server and other features in processing the broadcast, control and multimedia data from the server.

As for claims 20-22, these claims are rejected for the reasons given in view of Farris and Eyer in the scope of claims 1-4 and 11-13 for the broadcast system containing a transmitter, a receiver, a multiplexer and demultiplexer of Farris as addressed above.

### ***Conclusion***

**4. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to PTO New Central Fax number:**

(571) 273-8300, (for Technology Center 2600 only)

*Hand deliveries must be made to Customer Service Window,  
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.*

**5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to (Krista) Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate Fridays off.**

Art Unit: 2623

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller, can be reached at (571) 272-7353.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'K. Bui', with a long horizontal line extending to the right.

Kieu-Oanh Bui  
Primary Examiner  
Art Unit 2623

KB  
Nov. 09, 2006